G.R.S. [IX—5]

Previous references. CB 40-23-1

1924.

(CB)

File No. 210/23

Serial Nos. 849

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 849

Part B for January 1925

SUBJECT

Reply to the Chief Court in regard to certain changes in the Mysore Civil Service rules so far as it relates to the judicial Deptt.

To The Registrar, Chief Court

Rc. 15-77 Dy 5/1/25

Accepts the suggestion that an officer of the Civil Service selected to undergo training as Munsiffs may be regarded as a supernumerary in the cadre of Munsiffs and states that it is not possible to accept the other suggestions.

23

Serial No. 8

From

The Registrar, Chief Court letter no R.O.C. 622/24-25-
& 6.11.24.

Submits for further consideration the views of the judges of the Chief Court on the order regarding the revision of the Mysore Civil Service Rules so far as it relates to the Judicial Department in the changes proposed by the judges of the Chief Court in their minute dated 18th June 1924 were not accepted by Govt. The following changes are again urged for further consideration:-

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(1) Inclusion of the officers of the Judicial Deptt in the Civil Service or grant of some compensation to judicial officers who are excluded from the Civil Service.

(2) Reserving the post of the Local & Legislative Secretary exclusively for the officers of the Judicial Deptt, or vesting the above post exclusively for the members of the Civil Service rather than that the interests of the judicial service should be prejudiced by the introduction of a Civilian as a District or Subordinate judge in place of the officer selected for the post of the Loc + Leg. Secretary.

(3) The Civilian selected for training in Civil judicial work may be placed as a Supernumerary in the cadre of munsiffs and

NOTE-Contn. Sheet

posted to a specially heavy court as an additional munsiff to help the permanent munsiff.

Re (2) In paragraph 9 of the G.O. dated 22nd Septr 24, it is stated that the appointment of Loc + Leg. Secy will ordinarily be held by a Civilian, but when an officer of the judicial Deptt is appointed to that post it will be competent to Govt to fill up the vacancy in the judicial Deptt by the appointment of an officer of the Civil Service.

Re (3). In paragraph 14 of the G.O. it is stated that Govt will, in consultation with the Chief Court, arrange for the training of one junior civilian at a time, who is a graduate in law, in civil judicial work, by posting him as munsiff for a period not exceeding 3 years when a civilian is posted as munsiff, this will come out of the reserve.

Submitted with references for orders.

10.11.24

11/11

Ch Secy

May perhaps be removed in Council

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Secy

Serial No.

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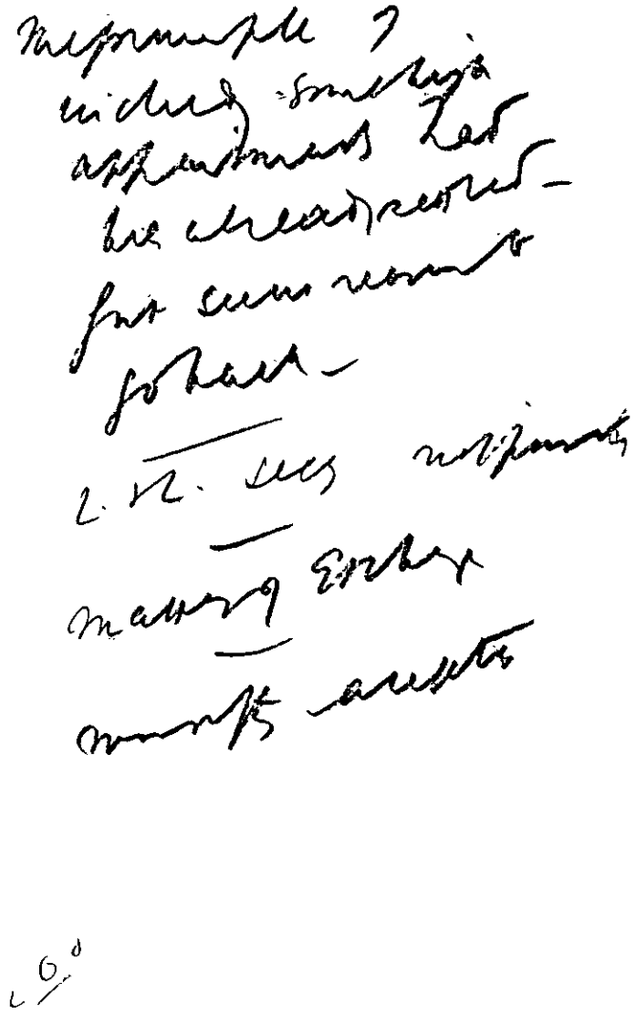
NOTE—Contn. Sheet

Serial No.



NOTE—Contn. Sheet

Submitted to His Highness.

With reference to Government Order No. 757-807/C.E.210-23-1 dated 22nd September 1924 issuing revised rules regarding the Mysore Civil Service, the Chief Court have urged the following changes for consideration of Government:-

(i) Inclusion of the officers of the Judicial Department in the Civil Service or grant of some compensation to Judicial officers who are excluded from the Civil Service.

(ii) Reserving the post of the Local & Legislative Secretary exclusively for the officers of the Judicial Department, or reserving the above post exclusively for the members of the Civil Service rather than that the interests of the judicial service should be prejudiced by the introduction of a Civilian as a District or Subordinate Judge in place of the officer selected for the post of the Local & Legislative Secretary.

(iii) The Civilian selected for training in Civil Judicial work may be placed as a supernumerary in the cadre of Munsiffs and posted to a specially heavy court as an additional Munsiff to help the permanent Munsiff.

2. The question was considered in Council on the 3rd instant The Council was of opinion that it was not possible to accept the changes (i) and (ii) referred to above. The third suggestion that an officer of Civil Service selectec to undergo training as a Munsiff may be regarded as supernumerary in the cadre of Munsiffs might be accepted.

3. A draft reply to the Chief Court in accordance with the views of the Council is submitted for the gracious approval of His Highness.

Bangalore,
22nd December 1924.

22 DEC 1924

SGN.

CONFIDENTIAL.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Draft reply to the Chief Court in regard to certain changes in the Mysore Civil Service Rules, suggested by them.

Order.

KRW

26/12/24

Chief Sec with compts

PSO.

Sec.

PSO

31/12/24

31/12

R. S. III-2]

General and Revenue Secretariat.

GR File No. 210 of 192.3

Serial No.

Draft Reply to the Chief Court in regard to certain Changes in the Upper Civil Service Rules, suggested by them.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of *

His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

Through the Secretary to Government,

.....Department.

5200/21 FIRST MEMBER OF COUNCIL.

42/3·1 SECOND MEMBER OF COUNCIL.

THIRD MEMBER OF COUNCIL.

NOTE—Contn. sheet.

Mono WD 1335—GPB—500—16-1-23.

General and Revenue Secretariat.

C.B. File No. 210 of 1923

Serial No. 9

To

The Registrar, Chief Court - Cmbl. letter no 1577 & S. 1.25

Accepts the suggestion that an officer of the Civil Service selected to undergo training as Munsiff may be regarded as a supernumerary in the cadre of Munsiffs and states that it is not possible to accept the other suggestions

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NOTE—Contn. Sheet ITO

C.B-812

Telgm:
"JUSTICE"

CONFIDENTIAL

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore.....6th November *192* 4

R. O. C. Dis.- No. 622/24-25.

C.B. 210-23-8

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

CHIEF SECRETARY
- NOV 1924

K. M A T T H A N , Esq., B.A.,
Chief Secretary to the Government of Mysore,
B a n g a l o r e.

Sir,

I am directed to advert to Government Order No.757-807/ C.B. 210-23-1 dated the 22nd September 1924, regarding the re-organisation of the Mysore Civil Service, and to state as follows :--

When the Government were pleased to call for the views and suggestions of the Judges of the Chief Court in April last on the draft Scheme relating to the reorganisation of the Mysore Civil Service, in so far as it related to the Judicial Department, a Minute embodying the opinion of the Judges was submitted to them for consideration with my letter No.1376/23-24 dated the 18th June 1924.

In their Minute the Judges laid stress on certain features of the Scheme which in their opinion would adversely affect the efficiency of the Judicial Department, the status and position of its officers apart from their prospects. The Government Order as finally issued practically proceeds on the lines of the original draft and it reproduces all the features prejudicial to the interests of the Judicial Department, which the Judges had previously pointed out. Having regard to the importance of the

the points involved, the Judges will venture once again to bring them to the notice of Government with a view to such further consideration being had as the Government may think fit.

The first point, viz., the omission of all reference to the places to be assigned to the officers of the Judicial Department in the Scheme of the Civil Service, has not been dealt with. District Judges and Subordinate Judges, who had up to now been invariably recognised as members of the Civil Service, have been excluded from it without any corresponding amelioration of their status or prospects as compensation for such exclusion. The Government are no doubt aware that in British India the officers of the Judicial Department, both of the Imperial and Provincial Service, form an integral part of the Civil Service as a whole; in the Mysore State there is all the greater reason for their being included in the Civil Service (though the methods of recruitment as regards the general departments and the Judicial Department may not be identical) since there is no division of the Civil Service into Provincial and Imperial. At any rate, if judicial officers are to be excluded from the Civil Service with a consequent deprivation of their chances of being appointed if otherwise qualified to higher posts in the general administration and other departments --posts which will under the new Scheme be reserved exclusively for the Civil Service --, the Judges consider that some compensation is due to officers of the Judicial Department whose prospects, hitherto not very brilliant, are bound to become worse by this exclusion from the Civil Service.

In considering these prospects, such as they are, the fact that there is a possibility of Government occasionally

occasionally filling up higher vacancies by direct recruitment from members of the Bar cannot also be ignored. Having regard to the hard and conscientious work generally turned out by judicial officers and the fact that many of them will have put in an appreciable term of service at the Bar before being appointed to gazetted ranks, the Judges venture to hope that the Government will be so generous as to reserve the post of Local and Legislative Secretary exclusively for the officers of the Judicial Department. This post, which is a recent creation, combines with it the office of the Legal Remembrancer to Government; and the Judges understand that in British India in Provinces where it exists, the office of Legal Remembrancer, who is Secretary to Government in the Judicial Department, is always held by a senior District Judge. The Judges think that this is an office the value of which must be materially enhanced by experience as a Judge and it is apparently on this ground also that in British India the Government have made provision for its being filled by an officer of the Judicial Department.

The other proposal to appoint a Civilian as a District or Subordinate Judge, in the event of the place of the Local and Legislative Secretary being filled up by an officer of the Judicial Department, is open to serious objections, which were already urged by the Chief Court and to which the Judges would venture once again to invite the attention of Government. They feel sure that the efficiency and contentment of the subordinate Judicial Service is certain to be prejudicially affected by an officer from another general department being brought in and put over their heads as District Judge when in the Department itself there are officers duly qualified to fill that office. If the Government are not agreeable to reserve the post of Legal Remembrancer and Local and Legislative Secretary, for reasons already mentioned, as a prize appointment for officers of the Judicial Service, the Judges would have no objection

objection to its being reserved exclusively for the members of the Civil Service, rather than that the interests of the Judicial Service should be prejudiced by the introduction of a Civilian as District or Subordinate Judge. As observed in the previous Minute, it is only when no officer possessing the requisite qualifications is available in the Civil Service Cadre, that the contingency of a District or Subordinate Judge being appointed as Local and Legislative Secretary will arise, and the Judges consider that the post of a District or Subordinate Judge is at least as responsible and onerous as that of a Secretary. If therefore an officer of the Civil Service cadre really has the requisite qualifications for being appointed as a District or Subordinate Judge, it would probably be easier and better if he is straightaway appointed as Local and Legislative Secretary rather than that he should exchange places with a District or Subordinate Judge.

As regards the training of a Civilian Officer in civil judicial work, the Judges would suggest that the officer selected may be placed as a supernumerary in the cadre of Munsiffs so that the existing number of vacancies available for practitioners as well as members of the subordinate ministerial services otherwise duly qualified, may not be lost to them. The object of training a Civilian is apparently not so much to fit him for a permanent career in the Judicial Department itself as to train him for posts in the general administration or other departments. It would therefore be best if the junior Civilian under training be posted to a specially heavy Court as an additional Munsiff to help the permanent Munsiff.

I am to request that Government may be pleased to pass early orders in the matter.

I have the honour to be,
S i r,
Your most obedient servant,

Sheeniwasagaravchari
REGISTRAR. 6/11/24

TMN/

Confidential

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To

The Registrar, Chief Court,

Bangalore.

Sir,

I am directed to acknowledge the receipt of your letter No. R.O.C.622/24-25 dated the 6th November 1924 communicating for the consideration of the Government the views of the Judges of the Chief Court, on the subject of the orders relating to the Mysore Civil Service contained in Government Proceedings No.757-807/C.B.210-23-1 dated the 22nd September 1924, and to state as follows

I am directed to regret that it is not practicable to regard Sub-Judges and District Judges as eligible for the higher appointments open to the members of the Civil Service, since under the rules now in force Assistant Commissioners belonging to the Civil Service are not ordinarily eligible for appointment as Sub Judges and District Judges, and the latter class of officers will not have received the training necessary for the high appointments open to the Civil Service.

~~The Government regret that~~ It is also not possible to accept the suggestion to reserve the appointment of Local and Legislative Secretary exclusively to the Judicial service, especially since the duties of the Local and Legislative Secretary are not confined to matters relating to judical, legal and legislative affairs. If an officer of the Judicial ser-

service is appointed to this post, there can be no grievance to the officers of that service if a member of the Civil Service, who the Government may consider eligible, is appointed to the Judicial Department as Sub-Judge or District Judge, since the appointment will be by way of exchange. Under the scheme, it is expected that some officers of the Civil Service would have received the necessary training in Civil Judicial work by serving as Munsiff for an adequate period to render them eligible for higher judicial appointments.

The suggestion that ~~the~~ an officer of the Civil Service selected to undergo training as Munsiff may be regarded as a supernumerary in the cadre of Munsiffs, is accepted by the Government.

I have, etc.,

Chief Secretary to Government.